

Volunteers in the Courts News

Summer 2004

Mediation can pull the community together

Is it a good idea for victims to meet offenders face-to-face in a conference? Milwaukee County Assistant District Atty. David M. Lerman believes so. As the office's restorative justice coordinator, Lerman has seen what mediation can do for a victim, an offender, and the community. And as a prosecutor, Lerman is encouraged by mediation's effect on recidivism. According to a January 2003 study by the Milwaukee County district attorney's office, of 101 offenders going through the program between May 2000 and July 2002, 10.9 percent re-offended compared to 23.6 percent for those that did not participate.

Since the Milwaukee County Community Conferencing Program (CCP) began accepting cases in May 2000, it has held nearly 160 conferences. With more than 40 volunteers, the program enables offenders, victims, and community members to meet in a safe environment with a volunteer facilitator to discuss the crime and its impact on both the victim and the community.

Judges, prosecutors, defense attorneys, law enforcement, probation officers, and victims can refer a case to the CCP. Several factors are considered before the case is accepted: the offender must be non-violent, must accept responsibility for the crime and express remorse, and must have an appropriate general attitude toward the victim.

If the offender is a candidate for the program and agrees to participate, a volunteer facilitator holds a pre-conference where the facts of the case are discussed from the victim's and offender's points of view. In cases where the victim chooses not to participate, members of the community may read a statement from the victim or simply share their own thoughts about the crime. The discussion ends with an agreement on how the offender will make amends for his/her crime. All parties must agree. In one case, for example, a grocery store clerk who was caught stealing was to return to the store for a specified amount of time to talk with new employees about the consequences of stealing.

Erin Katzfey, CCP program manager, monitors compliance reports that go back to defense counsel. Generally, the news is good. As one offender said, "I am so much more aware of their [the victim's] point of view and how much it hurt them." Through these encounters, sincere apologies and even forgiveness result. One victim who went through the program had this to say: "It was the perfect answer – I wanted to have the young (offender) meet me – see that I was real and how this (crime) impacted my life."

Volunteers are key to the success of the CCP. The volunteer facilitators attend two days of mediation training after which they must participate as a co-facilitator at least twice before becoming a lead facilitator. Training sessions are held two to three times per year and include interactive exercises, demonstrations, role-playing, and lectures.

Volunteers go the extra mile

When Phil Clark retired after 14 years as chief of police for the University of Wisconsin-Milwaukee last year, he wanted to do something to give back to his community. Then he heard about the CCP and he was hooked. "I see perpetrators more as individuals now than I did when I was in law enforcement," he said.



Atty. David M. Lerman



Erin Katzfey

Since January 2004, Clark has volunteered as a facilitator and joined in conferences as a community member. He views the conferences as beneficial to all involved.

As a law enforcement officer since 1962, Clark believes that “if you do the crime, you do the time.” However, he sees as a “healing process” for both the victim and the defendant.

“There are almost always tears when everyone leaves [a conference], because now they can relate to each other,” he said. “And they’ve been able to open up and start healing.” He recalls a recent case of a service station owner meeting with a college student who had robbed one of the owner’s employees. In the end they wanted to help each other and weren’t suspicious of one another anymore.

“[The facilitation] creates more of a community by understanding each other and each other’s cultures,” said Clark. “Victims don’t have to be afraid anymore.” One victim even wants to help ensure a defendant finishes school and is successful in life after their conferences together.

Clark indicated that it isn’t uncommon for victims to want to stay involved with the CCP by volunteering as facilitators once their own cases are wrapped up.

The program is funded in part by the federal and state government as well as a grant from the Bureau of Justice Assistance. With the success of lower recidivism, the program is currently looking into expanding into children’s court in the next year.

At least 14 other counties in Wisconsin have victim-offender mediation programs. They are: Dane, Eau Claire, Fond du Lac, Jackson, Jefferson, Kenosha, La Crosse, Manitowoc, Racine, St. Croix, Trempealeau, Washington, Waukesha, and Winnebago. ■

To find out more about the CCP or to volunteer, contact Lerman at (414) 278-4655 or lerman.david@mail.da.state.wi.us and Katzfey, at (414) 278-4632 or katzfey.erin@mail.da.state.wi.us.

Summer interns gain valuable perspective

Annamarie Edelen is a second-year law student at Marquette Law School who feels “lucky to have this opportunity” to intern in the Dane County Circuit Court. The court has been equally fortunate, for Edelen has brought not only enthusiasm and an interest in the law, but also a richly diverse background as a former U.S. Army intelligence employee whose expertise in Arabic languages led to four years of work in Egypt and Saudi Arabia. Prior to enrolling in law school, she earned a Ph.D in Middle Eastern studies.



Annamarie Edelen and Judge C. William Foust

Edelen is one of 27 summer interns in 16 counties working beside judges to learn firsthand how the courts work through the Volunteer Summer Law Student Internship Program. Chief Justice Shirley S. Abrahamson launched the program in 1997 by writing personal letters to universities inviting their students to apply. To date, nearly 300 law students have volunteered their time during summer break, boosting their skills while providing valuable services to the courts.

Edelen, a Minneapolis native, has worked with Judge C. William Foust on civil and criminal cases, and has had the chance to observe other judges in various courts. Not having had any previous court experience, she was not sure how much she would understand, but said the judge and staff have been a tremendous help. She receives valuable feedback from Foust while researching civil cases.

After her overseas work for the Army, Edelen and her husband moved to Madison for graduate school, where she

received her Ph.D. She decided to pursue a career in law after her exposure to clients through work with Dane County Human Services.

Edelen highly recommends the summer intern program as a priceless experience. Working for the neutral arbiter rather than for an advocate has given her an opportunity to hone her ability to see all sides of any case.

The program is coordinated through the Office of Court Operations. ■

2004 summer interns

Dane County:

Judge John C. Albert – Keith Madriago, UW Law School
Judge Patrick J. Fiedler – Julia Erin Gonzalez Stuber, UW Law School
Judge C. William Foust – Annamarie Edelen, Marquette Law School
Judge Diane M. Nicks – Jacob Bishop, UW Law School
Judge Sarah B. O'Brien – Linnea Irving, Oklahoma City University School of Law

Door County*:

Judges Peter C. Diltz/D. Todd Ehlers – Michael Van Lente, Case Western Reserve University Law School

Kenosha County:

Judge Wilbur W. Warren III – Mark Milos, John Marshall Law School

Jefferson County:

Judge William F. Hue – Erick Fabyan, UW Law School

Kewaunee County*:

Judge Dennis J. Mleziva – Michael Van Lente, Case Western Reserve University Law School

Marathon County:

Judge Dorothy L. Bain – Craig Miller, Suffolk University Law School

Marinette County:

Judge Tim A. Duket – Shane Sanderson, University of Oregon School of Law

Milwaukee County:

Judge David L. Borowski – Barbara Schifalacqua, Chicago-Kent College of Law
Judge Jean W. DiMotto – Carrie Budzien, Loyola University School of Law
Judge Clare L. Fiorenza – Jenni Spies, Marquette Law School
Judge Daniel L. Konkol – Catherine Terry, Ohio Northern University School of Law
Judge Marshall B. Murray – Stephanie Erickson, Southern New England School of Law;
Joel Urmanski, Marquette Law School
Judge John Siefert – Angie Aliota, Thomas Jefferson School of Law Outagamie County:
Judge John A. Des Jardins – Jeff Billings, University of Michigan Law School

Racine County:

Judges Charles H. Constantine/Faye M. Flancher – Monica Hammer, Washington University School of Law

St. Croix County:

Judge Scott R. Needham – Toni Wehman, University of Colorado School of Law
Judge Edward F. Vlack III – Leslie Parker, Marquette Law School

Vernon County:

Judge Michael J. Rosborough – Jeremy Thompson, St. Louis University School of Law

Walworth County:

Judge James L. Carlson – Sandeep Basran, Creighton University School of Law

Washington County:

Judge Annette K. Ziegler – Scott Grosz, UW Law School

Waukesha County:

Chief Judge Kathryn W. Foster – Ann Hellwig, UW Law School

Winnebago County:

Judge Thomas J. Gritton – Michelle & Brandt Swardenski, University of Colorado School of Law

* shared between Door and Kewaunee Counties